



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

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SHAWN M. LATOURETTE

Acting Commissioner

Walter Mugdan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

Re: Hackensack River National Priorities List Consideration

Dear Mr. Mugdan:

The New Jersey Department of Environmental Protection (DEP) nominates the Lower Hackensack River for inclusion on the National Priorities List (NPL) of Superfund sites to achieve a comprehensive investigation and cleanup of this important and historic waterway.

The lower portion of the Hackensack River is 23 river miles from the Oradell dam to Newark Bay, all tidally influenced. DEP agrees with the U.S. Environmental Protection Agency (EPA) that the time to act is now as remedial progress accelerates on the nearby Passaic River where widespread dioxin contamination is being addressed. For the Lower Hackensack River, we will work with EPA to set in place the best investigation and cleanup plan to address decades of industrial pollution that left mercury and other contaminants in river sediment and impairs water quality.

As part of upfront communication with other public officials, DEP reached out to the 20 mayors of municipalities that border the Lower Hackensack River to let them know that a formal public comment period for the NPL proposal anticipated for September 2021 will occur during this rulemaking action. DEP looks forward to moving the proposal forward with EPA. DEP noted to the local officials that if the nomination is finalized, the Superfund process includes federal public participation requirements from the initial investigation stage through actual cleanup work where river communities and the public at large will be further engaged in the process.

DEP recognizes the importance of the Lower Hackensack River's ecosystem to the local communities that border its shoreline and to Hackensack River Keeper Captain Bill Sheehan, who has pursued added protections for many years. In addition to the many lessons learned from the planned dredge and cap actions along the Passaic River as part of ongoing work at the

Diamond Alkali Superfund site, DEP continues to work with EPA and responsible parties to clean up Upper Berry's Creek, a tributary of the Lower Hackensack River.

It is important to note that during past agency discussions about the Lower Hackensack River, EPA committed to attempt to take early actions, even before the site is final on the NPL. One option is to open an interagency agreement with the Army Corps of Engineers or engage an EPA contractor to collect existing data from other investigations in the river, such as data from the Beazer Koppers Seaboard site, to create a database that will help focus future sampling efforts. Further, another option is for EPA to develop a work plan for a remedial investigation/feasibility study (RI/FS) for the Lower Hackensack River site to use as a basis to negotiate an agreement with one or more potentially responsible parties (PRPs) to implement. Other tasks such as early removal actions to address any significant source areas identified also would be considered by EPA. It was agreed that EPA's goal would be that the RI/FS and any early removal actions identified be completed by PRPs, with EPA oversight.

For the reasons stated above, I believe that it is vital to support EPA in listing the Lower Hackensack River as a Superfund site to bring about a comprehensive cleanup of mercury and other contaminants in the waterway with enforcement actions to encourage responsible parties to fund the work. I support efforts to help improve the ecosystem in the Lower Hackensack River and numerous north Jersey communities through which it flows. I look forward to future cooperation with EPA during discussions on remedial work for the Lower Hackensack River and public outreach that will accompany these actions.

If you would like to discuss the Lower Hackensack River Superfund listing further with me, please contact me at 609-984-3643, or via email at Shawn.LaTourette@dep.nj.gov.

Sincerely,

Shawn M. LaTourette
Acting Commissioner

C: Walter Mugdan, Acting Regional Administrator, EPA Region II
Pat Evangelista, Director, EPA, ERRD
Michael Sivak, Branch Chief, EPA, ERRD
Mark J. Pedersen, Assistant Commissioner, DEP, SRWMP
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